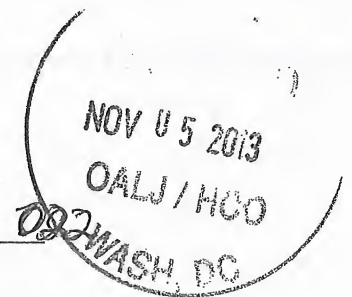


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
BRIAN STAPLES, an individual doing)
business as STAPLES SAFARI ZOO and)
BRIAN STAPLES PRODUCTIONS,)
)
Respondent) COMPLAINT

AWA Docket No. 14-0



There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.)(the "Regulations" and "Standards"). Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Brian Staples is an individual doing business as Staples Safari Zoo and Brian Staples Productions, and whose address is 4420 Washington Street, Clayton, Washington 99110 (Post Office Box 1189, Deer Park, Washington 99006). At all times mentioned herein, said respondent operated as an exhibitor, as that term is defined in the Act and the Regulations, and held AWA license number 91-C-0060.

2. Respondent operates a moderately-large zoo and animal act exhibiting wild and exotic animals at traveling locations. As of March 2013, respondent reported to APHIS that he held nineteen nonhuman primates, including three baboons, and three large felids, in addition to camelids, marsupials, and other exotic, wild, and domestic mammals. Respondent resolved two previous AWA cases by way of the stipulation procedures set forth in the Regulations (WA 01085 and WA 07002). The violations alleged in the instant complaint are serious, and include

the mishandling of a nonhuman primate that escaped and remained at large for two days.

3. APHIS inspectors conducted inspections of respondent's animals, facilities, and equipment on October 6, 2010, January 22, 2011, January 27, 2011, and July 12, 2011, and documented noncompliance with the Regulations.

ALLEGED VIOLATIONS

4. On or about October 6, 2010, and on July 12, 2011 (in Ozark, Missouri), respondent failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat diseases and injuries, in willful violation of the Regulations, and specifically, respondent, while traveling with animals, maintained expired medications in respondent's animal equipment storage areas, including antiseptic wound dressing spray that had expired nearly four years earlier, Baytril without any visible expiration date, Baytril that had expired two years earlier, Praxiquantel that has expired two years and two months earlier, and Neo-Predel that had expired one year earlier. 9 C.F.R. § 2.40(b)(2).

5. On or about October 6, 2010, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards, and specifically, the surfaces of housing facilities for capuchin monkeys were not constructed of materials that allow them to be readily cleaned and sanitized, as required. 9 C.F.R. § 3.75(c).

6. On or about January 22, 2011, at Meigs, Georgia, respondent failed to maintain accurate and complete records of the acquisition of two animals (a fennec fox and a bush baby), and did not have a current animal inventory as required, in willful violation of the Regulations. 9 C.F.R. § 2.75(b).

7. On or about January 10, 2011, at Meigs, Georgia, respondent failed to handle a

non-human primate as carefully as possible in a manner that would not cause physical pain, stress, or discomfort, in willful violation of the Regulations, and specifically, a member of respondent's staff mishandled a capuchin (Sven), by attempting to transfer the animal from one enclosure to another by carrying the capuchin in his arms, whereupon the capuchin was able to, and did, escape, and remained at large for two days, during which time temperatures were near freezing. 9 C.F.R. § 2.131(b)(1).

8. On or about January 22, 2011, at Meigs, Georgia, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards, as follows:

- a. Floor and walls of the bush baby, ring-tailed lemur, and capuchin shelter were deteriorated, with visible surface peeling. 9 C.F.R. § 3.75(c)(2).
- b. Food and bedding storage area contained trash, debris, and toxic substances (including, *inter alia*, bleach, pesticides, and an open bag of lime). 9 C.F.R. § 3.75(e).
- c. Respondent failed to provide nine nonhuman primates (a macaque, six capuchins, and two spider monkeys) with adequate shelter from the elements. 9 C.F.R. § 3.78(b).
- d. There was inadequate lighting in the travel enclosure housing a capuchin, a bush baby, and a ring-tailed lemur. 9 C.F.R. § 3.79(c).
- e. Primary enclosures housing brachiating species of non-human primates (specifically, two spider monkeys), offered inadequate space for those animals. 9 C.F.R. § 3.80.
- f. The primary enclosure housing a capuchin, a bush baby, and a ring-tailed lemur had not been cleaned as required, and contained excreta and accumulated food waste on the floor and walls. 9 C.F.R. § 3.84(a).
- g. The enclosure housing a lion, a tiger, and a leopard was not constructed in a manner that was sufficient to contain the animals securely, and specifically, sections of portable fencing were affixed to each other with brackets that did not ensure the integrity of the enclosure. 9 C.F.R. § 3.125(a).

- h. The enclosure housing a kangaroo was not maintained in a manner that would not cause injury to the animals, and specifically, there was a rusty, jagged hole in the gate on the interior of the trailer housing the kangaroo. 9 C.F.R. § 3.125(a).
- i. The enclosure housing three large felids offered inadequate space for those animals to make normal postural adjustments. 9 C.F.R. § 3.128.
- j. The enclosure housing three large felids was excessively caked with feces combined with urine. 9 C.F.R. § 3.131(a).
- k. The enclosure housing a kangaroo had an excessive accumulation of excreta caked with feces combined with urine. 9 C.F.R. § 3.131(a).
- l. The enclosure housing a fennec fox had an accumulation of excreta and food waste on the floor and walls. 9 C.F.R. § 3.131(a).
- m. Respondent failed to utilize a sufficient number of adequately trained employees to maintain an acceptable level of animal husbandry. 9 C.F.R. § 3.132.

9. On or about January 27, 2011, at Walton County Fairgrounds, Florida, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards, and specifically, respondent stored metal pipes and portions of tent supports, with long straps, inside the compartment of a trailer in which respondent transported three camels, and the camels had access to these materials, which were stored in a manner that could injure the camels. 9 C.F.R. §§ 3.137(a)(2), 3.138(f).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of

this complaint.

The Animal and Plant Health Inspection Service requests that unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 9th day of November 2013



Administrator
Animal and Plant Health Inspection Service

COLLEEN A. CARROLL
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
1400 Independence Avenue, S.W.
Room 2343 South Building
Washington, D.C. 20250-1400
Telephone (202) 720-6430; 202-690-4299 (Fax)
e-mail: colleen.carroll@usda.gov